IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 30226 of 1998

Between:

Smt. Jeelani Begum,

W/o late Sareefuddin, 67 years,

Occ:Retired Head Mistress,

R/o Block No.5, Flat No.28,

Municipal Colony, Malakpet,

Hyderabad.

..... PETITIONER

AND

The District Educational Officer,

Exhibition Grounds, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus, declaring the action of the Respondent in not revising and refixing the petitioners' pay in the pay scale of 1280-2440 as per PRC 1986 as on 1-7-86 and entering the same in service book and L.P.Certificate and not forwarding the same to the Accountant General directions issued and in spite of instructions issued by Commissioner of School Education and Government as illegal, arbitrary and unjust;

and consequently direct the Respondent to revise and refix the petitioners' pay as per revised scales of pay 1986 in the scale of 1280-2440 as on 1-7-86 with all allowances and arrears and increment benefits as on 1-7-86 with interest of @12% P.A. from 1-7-86 till the realization of the above said claimed amount with costs and legal expenses; and also direct the Respondent to send the revised last pay certificate and service book of the petitioners' after revising and refixing the petitioners' pay as per PRC 1986 to the Accountant General, A.P., Hyderabad.

Counsel for the Petitioner:MR.M.DILIP RAO

Counsel for the Respondent: GP FOR SCHOOL EDUCATION

The Court made the following ORDER:

The grievance of the petitioner is that the respondent has not revised and refixed her pay in the scale of Rs.1280-2440 as per PRC 1986 and her Service Book and L.P.C. were not forwarded to the Accountant General in spite of instructions issued by the Commissioner of School Education.

A detailed counter-affidavit has been filed by the respondent stating that the petitioner retired from service on 31-08-1989 and her pension was sanctioned by the Accountant-General. While sanctioning the pension, the Accountant-General has directed the respondent to revise her pay as she has not passed P.A. test. Further, the records in the office of the respondent were gutted out in the fire accident that occurred on 12-04-1993. Therefore, the respondent is not having any records relating to the petitioner in his office and as such, nothing could be moved in that direction.

Now, the learned counsel for the petitioner also accepts as to the factual position. The counsel for the petitioner undertakes to submit a duplicate Service Book duly filled in and attested by the concerned authorities, within a period of two weeks from the date of receipt of this order.

In view of the above, on submission of service book etc., the respondent is directed to take all further steps for refixing the pay of the petitioner as per PRC 1986 and sending the same to the Accountant-General for further action. This exercise shall be completed within a period of four weeks from the date of receipt of the service book.

With the above directions, the writ petition is disposed of. No costs.

10th AUGUST, 2004.

Note: furnish c.c. in three days.

B/o

Kvni

To

1. The District Educational Officer,

Exhibition Grounds, Hyderabad.

2. The Government Pleader for School Education,

High Court Buildings, A.P., Hyderabad (OUT)

3. Two CD copies.;